

IDAHO BOARD OF COSMETOLOGY
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 10/2/2017

BOARD MEMBERS PRESENT: Debra J Thompson - Chair
Merrilyn Cleland
Linda Swope
Lindy High

BOARD MEMBERS ABSENT: Geneal Thompson

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Eric Nelson, Board Prosecutor
Joan Callahan, Legal Counsel
Kim Daily, Technical Records Specialist II
Allegra Earl, Technical Records Specialist I

OTHERS PRESENT: Ty Walker, Gail Comer, Phil Haunschild, Rick Evans, Ryan Evans, Rhonda Clark, LaDonn Goodfellow, Cassandra Perez, Tamra Lords, Senator Lori Den Hartog, Kris Ellis, Nancy Kerr, Sydney McCoy, Danny Jones, Kevin Moriarty, Ashlie Rauh, Wendy Florence, Margarita Castellanos, Allison Price, Linda Mottishaw

The meeting was called to order at 8:30 AM MDT by Debra J Thompson.

DISCIPLINE

MENORANDUM

Mr. Nelson presented a memorandum regarding case numbers COS-2017-86, and COS-2017-87. After discussion, the Board gave recommendations for appropriate discipline.

Mr. Nelson presented Stipulation and Consent Orders in cases COS-2017-27, COS-2017-28/29, COS-2017-53/54, COS-2017-55/56, COS-2017-57/58, COS-2017-81, COS-2017-93, COS-2017-94/95, COS-2017-98, COS-2017-111/112, COS-2017-119/120, COS-2017-139, COS-2017-142/143, COS-2017-154, COS-2017-156, COS-2017-157, COS-2017-161/162, COS-2017-167,

COS-2017-168/169, COS-2017-188, COS-2017-189, COS-2017-190, COS-2017-191, COS-2017-192, COS-2017-194. Ms. Swope made a motion to approve the Consent Orders and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Cleland. Motion carried.

FINAL ORDER

Mr. Nelson presented Findings of Fact, Conclusions of Law, and Final Orders in case numbers COS-2017-16, COS-2017-17, COS-2017-45/46, COS-2017-106, COS-2017-107/108, COS-2017-109/110, COS-2017-133. Ms. High made a motion to approve the Findings of Facts, Conclusions of Law and Final Orders and authorize the Board Chair to sign on behalf of the Board. It was seconded by Ms. Swope. Motion carried.

APPROVAL OF MINUTES

Ms. Swope made a motion to approve the minutes of June 5, 2017, June 13, 2017, July 26, 2017 and July 26, 2017-2. It was seconded by Ms. High. Motion carried.

Ms. Cleland made a motion to nullify the motion approving the minutes of June 5, 2017, June 13, 2017, July 26, 2017 and July 26, 2017-2. It was seconded by Ms. High. Motion carried.

Ms. Swope made a motion to approve the minutes of June 5, 2017. It was seconded by Ms. High. Motion carried.

Ms. Cleland made a motion to approve the minutes of June 13, 2017. It was seconded by Ms. Swope. Motion carried.

Ms. Cleland made a motion to approve the minutes of July 26, 2017 with the correction. It was seconded by Ms. Swope. Motion carried.

Ms. High made a motion to approve the minutes of July 26, 2017-2. It was seconded by Ms. Swope. Motion carried.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$984,486.59 as of 8/31/2017.

FY 2018 RENEWAL CONTRACT

Ms. Hall presented the FY 2018 renewal contract to the members of the Board. Ms. High made a motion to accept the contract and authorize the Chair to sign on behalf of the Board. It was seconded by Ms. Cleland. Motion carried.

DISCIPLINE

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Ms. Swope made a motion to approve the Bureau's recommendation and to authorize closure in cases: I-COS-2017-34; I-COS-2018-42. It was seconded by Ms. High. Motion carried.

Ms. Swope made a motion to approve the Bureau's recommendation and authorize closure in the following cases with a warning letter: I-COS-2017-140, I-COS-2017-141; I-COS-2017-212; I-COS-2017-213; I-COS-2017-214; I-COS-2017-224; I-COS-2017-246; I-COS-257; I-COS-264, I-COS-2017-265; I-COS-2017-272; I-COS-2017-281; I-COS-2017-291, I-COS-2017-292; I-COS-2017-294; and I-COS-2018-7, I-COS-2018-8. It was seconded by Ms. High. Motion carried.

DISCIPLINARY ACTION

Ms. Peel, presented Settlement Orders in cases COS-2017-163/164, COS-2017-184/185, COS-2017-200/201, COS-2017-211/212, COS-2017-214/215, COS-2017-218/219, COS-2017-225/226, COS-2017-229, COS-2017-232, COS-2017-233/234, COS-2017-235, COS-2017-236, COS-2017-237/238, COS-2017-239/240, COS-2017-241, COS-2017-242, COS-2017-248/249, COS-2017-250/251, COS-2017-255/256, COS-2017-257/258, COS-2017-259/260, COS-2017-261/262, COS-2018-2, COS-2018-8/9, COS-2018-12/13/14, COS-2018-18, COS-2018-21/22, COS-2018-23/24, COS-2018-26, COS-2018-32/33, COS-2018-34/35, COS-2018-48/49, COS-2018-52/53, COS-2018-55/56, COS-2018-60/61. Ms. Swope made a motion to accept the Settlement Orders as signed and to authorize the Board Chair to sign on behalf of the Board. It was seconded by Ms. Cleland. Motion carried.

MEMORANDUM

Ms. Peel presented a memorandum regarding case numbers : COS-2017-252, COS-2017-253, and COS-2017-254; COS-2018-15 and COS-2018-16; COS-2018-44 and COS-2018-45; COS-2018-75 and COS-2018-76. After discussion, the Board gave recommendations for appropriate discipline.

REPORT FROM ECHO LUNDEBERG

The Board reviewed a report submitted by Echo Lundeborg regarding cases COS-2009-31 and COS-2009-32. No action was taken.

EXECUTIVE SESSION

Ms. Cleland made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Swope. The vote

was: Ms. Thompson, aye; Ms. Cleland, aye; Ms. Swope, aye; and Ms. High, aye. Motion carried.

Ms. High made a motion to come out of executive session. It was seconded by Ms. Swope. The vote was: Ms. Thompson, aye; Ms. Cleland, aye; Ms. Swope, aye; and Ms. High, aye. Motion carried.

APPLICATIONS

Ms. Cleland made a motion to accept the applications for Cassandra Gull, Jennifer St. George, Julie Ekic, Andrea Parker, Cassandra Perez and Daniel Arbini and issue licenses. It was seconded by Ms. Swope. Motion carried.

Ms. Cleland made a motion to have Carla Graham take the full examination and issue a license once the examination has been successfully passed. It was seconded by Ms. High. Motion carried.

Ms. Cleland made a motion to have Melinda Miller take the full examination and issue a license once the examination has been successfully passed. It was seconded by Ms. Swope. Motion carried.

Ms. Cleland made a motion to have Danielle Keith take the full examination and issue a license once the examination has been successfully passed. It was seconded by Ms. Swope. Motion carried.

Ms. Cleland made a motion to accept the applications for Thuy Huynh, Anh Do, and Nhi Tran and issue licenses. It was seconded by Ms. High. Motion carried.

Ms. Cleland made a motion to have Chieu Tran take the Theory exam and issue a license once the examination has been successfully passed. It was seconded by Ms. Swope. Motion carried.

Ms. Cleland made a motion to have Linda Keihner and Huy Tran take the full examination and issue licenses once the examination has been successfully passed. It was seconded by Ms. Swope. Motion carried.

APPRENTICESHIPS

Ms. Cleland made a motion to accept the apprentice applications for Adrianna Regalado and Adrie Somalinog. It was seconded by Ms. High. Motion carried.

Ms. Cleland made a motion to deny the application for apprenticeship for 901154384 based on disciplinary action against the salon. It was seconded by Ms. Swope. Motion carried.

ESTABLISHMENT APPLICATION

Ms. Cleland made a motion to deny the application for the Lip Bar LLC and inform the applicant that she can apply for a retail dealer's license. It was seconded by Ms. High. Motion carried.

LEGISLATIVE UPDATE

Ms. Cory stated that at the June 5, 2017 meeting the Board formed 3 subcommittees regarding issues that had come up during the 2017 Legislative Session regarding Makeup Artists/Demonstration Permits, Thermal Styling Equipment Retail Dealers, and School Hours. As authorized at the July 26, 2017 meeting the subcommittee chairs worked with Ms. Callahan to draft legislative proposals regarding the approved recommendation to address each of those issues. Those proposals were included with the proposed joint legislation from the Cosmetology and Barber Examiners Boards for the 2017 Legislative Session and submitted to the Governor's Office in August 2017 for the 2018 Legislative Session.

DISCUSSION ON PROPOSED LEGISLATION

Ms. Callahan presented the draft changes to the proposed law. The first topic that was discussed was the elimination of the requirement for demonstration permits and the change to allow licensed persons to work for compensation outside of a licensed facility provided that the licensee only performs services authorized in rule and the licensee follows the safety and infection control requirements set in law and rule.

Next she reviewed the current proposal regarding makeup artists. The proposal will define makeup artistry and establish the qualifications and requirements for licensure as a makeup artist. The current proposal would require 100 hours of training in makeup artistry and 100 hours of training in safety and infection control. The training could be received outside of a licensed school and no makeup artistry examination would be required.

Thermal Styling Equipment Retail Dealers were then discussed. The proposal defines a thermal styling equipment retail dealer, registration requirements and safety and infection control requirements, and authorizes the Board to conduct inspections.

Ms. Callahan then discussed the current School Hours proposal. She reminded the Board that the School Hours subcommittee did not reach consensus on the issue, but the current legislative proposal lowers the number of hours of required instruction for a cosmetology license from 2,000 hours to 1,800 hours. The proposal also creates a hair design license, requiring 1,400 hours of instruction, for individuals who do not want to practice nail technology or esthetics. It is anticipated that this also may increase portability of licensure for individuals coming from states that have a hair design license or from a state that requires fewer hours of instruction for cosmetology.

A few additional items were noted after the Board submitted the initial proposal in August 2017, and these items were reviewed with the Board Chair prior to the

meeting. These changes correspond with the proposal to reduce the hours of instruction. These included changing the endorsement work experience requirement from practicing 3 years out of the last 5 years to only practicing 1 year out of the last 3 years. Also, lowering the minimum number of apprenticeship training hours from 4,000 hours to 3,600 hours. It was noted that the apprenticeship hours will still be double the number of school hours. Additionally, an apprenticeship option for a hair design license was proposed.

Ms. Cleland made a motion to approve the current draft of the proposed bill, subject to technical corrections, to send to the Governor's Office and to publish for additional comment. It was seconded by Ms. High. Motion carried.

NOTIFICATION TO LICENSEES

Ms. Callahan reviewed the proposed letter to notify licensees about the Legislative proposal and ask for public comments. Ms. Swope made a motion to approve the draft letter as revised and allow the Board Chair to sign and send to licensees to comment. It was seconded by Ms. High. Motion carried.

PUBLIC COMMENT

Several members in the audience had questions regarding the makeup artistry proposal. There was discussion regarding the proposed number of hours of instruction and the subject areas included in those hours and the potential impact on accredited schools to get approval from their accrediting body to offer the program. It was emphasized that the Board will be taking comment as it works through this proposal.

Senator Den Hartog addressed the Board regarding her thoughts that the discussion on makeup artistry was a 100 hours total. She noted that Ms. Cleland had done a tremendous amount of work, but she wanted the Board to be aware of overarching concerns of whether the number of hours for makeup artistry and the total number of cosmetology instructional hours are in line with other states. She noted that this was a global comment and something to think because she was not sure that there was a 100% consensus.

Mr. R. Evans, of Evans Hairstyling College, wanted to thank the Board for all its work on the proposed bill. He had a question on why schools are required to be bonded. Ms. Cory let him know that this year a school went out of business and some students needed some information on that bond. Mr. Evans also asked about what the Executive Order was and if the schools are required to do anything regarding the Executive Order.

Ms. Cory noted the information on the website and the opportunity to comment as provided for the Executive Order.

LEGISLATIVE REPORT

Ms. Cory discussed the Executive Order issued by Acting Governor Little which requires State agencies to submit a report to the Office of the Governor no later

than July 1, 2018. The report will assess whether the licensure requirements are necessary and in the public interest while providing recommendations for improvement, modification or elimination. Ms. Cory reminded the Board that Ms. Cleland is to assist Ms. Cory as comments and data are gathered.

NEXT MEETING

Next meeting is scheduled for November 13, 2017 at 1:00 PM MST at the Bureau of Occupational Licenses 700 West State Street Boise, Idaho 83702.

An additional meeting was scheduled for February 5, 2018 at 8:30 AM MST at the Bureau of Occupational Licenses 700 West State Street Boise, Idaho 83702

OLD BUSINESS

To Do List – The Board reviewed the to do list and no action was taken.

NEW BUSINESS

ANNUAL NIC MEETING REPORT

Ms. Cleland gave a brief report regarding the National Interstate Council of State Boards of Cosmetology Meeting (NIC) in Charleston, West Virginia. Ms. Cleland reported that the NIC discussed deregulation efforts that are happening nationwide, national efforts from the Federal Trade Commission and Department of Defense regarding portability of licensure, particularly for military members and their spouses, approved infection control standards, information regarding human trafficking, safety and health standards in the cosmetology industry from OSHA, fraud and testing security, and open meeting laws that usually apply to regulatory boards. Ms. Hall noted that a link has been added to the Board's website regarding information and requirements for military training and licensure for military members and spouses resulting from legislative efforts already taken in Idaho.

BOARD ELECTIONS

Ms. High made a motion to elect Debra Thompson as Chair, to elect Linda Swope as Vice-Chair, and to elect Merrilyn Cleland as Secretary. It was seconded by Ms. Cleland. Motion carried.

CORRESPONDENCE

The Board reviewed a letter from an individual regarding cross-over hours. Ms. Cleland made a motion for the Bureau to draft a letter informing her of the Board's legislative proposal and forward the email to the Idaho Board of Barber Examiners. It was seconded by Ms. Swope. Motion carried.

The Board reviewed a letter from an individual regarding licensing procedure. Ms. Swope made a motion for the Bureau to draft a letter informing him of the Board's legislative proposal. It was seconded by Ms. Cleland. Motion carried.

The Board reviewed a letter from an individual regarding needing a license for special effects makeup. Ms. Cleland made a motion for the Bureau to draft a letter informing him of the Board's legislative proposal. It was seconded by Ms. High. Motion carried.

The Board reviewed a letter from two individuals regarding nail care legislation. Ms. Cleland made a motion to have the letter sent to Ms. Peel for further review and response. It was seconded by Ms. High. Motion carried.

The Board reviewed a letter from an individual regarding makeup application. Ms. Swope made a motion to have Mr. Ellsworth draft a response and have the Board Chair review before sending the letter. It was seconded by Ms. High. Motion carried.

DL ROOPE ADMINISTRATION- EXAM CRITICAL CONTENT FOR HAIRCUTTERS

The Board reviewed the information sent from DL Roope Administration regarding the test that would be given for those taking a Haircutters course. Ms. Swope made a motion to accept the testing form with a correction. It was seconded by Ms. Cleland. Motion carried.

REVIEW DRAFT APPLICATIONS AND PROCESS

Ms. Hall reviewed the changes made to the cosmetology applications and discussed the process.

Ms. Cleland made a motion to allow certain felony or discipline applications, with material already reviewed and approved by the Board for a previous license, to be reviewed by the Board Chair for approval. It was seconded by Ms. Swope. Motion carried.

Ms. Swope made a motion to accept the changes and post the revised applications on the web. It was seconded by Ms. Cleland. Motion carried.

NOTIFICATION TO LICENSEES

Ms. Cleland made a motion to allow the Bureau to make changes to the notification letter with Board Chair review if needed. It was seconded by Ms. Swope. Motion carried.

APPLICATIONS

Ms. Cleland made a motion to nullify the motion made on the 901153678 application. It was seconded by Ms. High. Motion carried.

Ms. Cleland made a motion to table the application for 901153678. It was seconded by Ms. High. Motion carried.

ADJOURNMENT

Ms. Swope made a motion to adjourn the meeting at 1:33 PM MDT. It was seconded by Ms. High. Motion carried.

Debra J Thompson, Chair

Merrilyn Cleland

Geneal Thompson

Linda Swope

Lindy High

Tana Cory, Bureau Chief